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10/614,060	07/08/2003	Anish Pulikottil Joseph	200207333-1	7541
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			EXAMINER	
			PHAM, KHANH B	
			ART UNIT	PAPER NUMBER
			2166	

DATE MAILED: 01/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/614,060	JOSEPH, ANISH PULIKOTTIL	
	<b>Examiner</b>	<b>Art Unit</b>	
	Khanh B. Pham	2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 08 July 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-32 is/are rejected.
- 7) Claim(s) 1-3, 8, 9, 13, 14, 16, 20, 26 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                     | Paper No(s)/Mail Date. _____ .  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____ .                                  |

## DETAILED ACTION

### ***Claim Objections***

1. Claims 1-3, 8, 9, 13, 14, 16, 20, 26 are objected to because of the following informalities:

- Claims 1, 14 recite “the expiration” at line 5, 7 respectively. There is insufficient antecedent basis for this limitation in the claim.
- Claims 2, 8 recite “the set of a network” at line 2. There is insufficient antecedent basis for this limitation in the claims.
- Claims 3, 9, 16, line 1-2, the limitation “further event **and** received” should be changed to “further event **are** received”.
- Claim 13, line 1: “a claimed” should be changed to “as claimed”.
- Claims 13, 20 recite “the outputted further event” There is insufficient antecedent basis for this limitation in the claims.
- Claim 26 ,line 1 recite “the set of a database”. There is insufficient antecedent basis for this limitation in the claim.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Art Unit: 2166

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-32 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The claimed invention as a whole must be useful and accomplish a practical application. That is, it must produce a "useful, concrete and tangible result." State Street, 149 F.3d at 1373-74, 47 USPQ2d at 1601-02.

Claims 1-32 are directed to nothing more than abstract ideas and therefore not patentable. "A principle, in the abstract, is a fundamental truth; an original cause; a motive; these cannot be patented, as no one can claim in either of them an exclusive right." Le Roy, 55 U.S. (14 How.) at 175. In evaluating whether the claims meet the requirement of section 101, the examiner considers the claims as a whole to determine whether it is for a particular application of an abstract idea, rather than for the abstract idea itself, which can be identified in various ways as follows:

- a. Claimed invention "transforms" an article or physical object to a different state or thing."

In this case, the invention of claims 1-23 does not transform or reduce of an article or physical object to a different state or thing.

- b. The claimed invention otherwise produces a useful, concrete and tangible result."

In determining whether the claims are for a "practical application," the focus is not on whether the steps are taken to achieve a particular result are useful, tangible and concrete, but rather that the final result achieved by the claimed invention is "useful,

concrete and tangible." The invention of claims 1-23 is directed to the method for managing event by inputting the event into an event engine; the engine manipulates the inputted event and then creates a new event as output. The outputted event however does not depend on the inputted event , it has no substantial practical application, and the result cannot be substantially repeatable, i.e., same input event may produce different output event. Claims 1-23 are therefore nonstatutory as being abstract idea which does not produce "useful, concrete and tangible result."

Claims 24-27 are also nonstatutory as being intangible embodied. Claims are directed to "a system", all of the elements of the system would reasonably be interpreted by one of ordinary skill in light of the disclosure as software (see claim 31), such that the system/apparatus is software, *per se*.

Claims 29, 31 are also nonstatutory as being software *per se*, not tangibly embodied.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. **Claims 28-32** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

**Claim 28** recites "a computer system effecting the method of claims 21", the term "effecting" does not limit the functionality of the computer system, and therefore the functional limitations of claim 28 are not defined.

**Claims 29-32** recite “software for effecting the method of claim...” The term “effecting” does not limit the functionality of the claimed software, and therefore the functional limitations of claims 29-32 are not defined.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. **Claims 1-32** are rejected under 35 U.S.C. 102(e) as being anticipated by Vijayan (US 6,832,341 B1), hereinafter “Vijayan”.

**As per claim 1**, Vijayan teaches a method of managing events in an event engine including the steps of:

- i. “inputting an event into the engine” at Col. 4 lines 45-50;
- ii. “the engine extracting a rule from a rules database wherein identification information within the rule identifies the event” at Col. 4 line 66 to Col. 5 line 43;
- iii. “the engine holding the event for the expiration of a specified interval” at Col. 7 lines 20-25 and Fig. 5, 510;
- iv. “before the expiration of the specified interval inputting a further event into the engine” at Col. 7 lines 20-25;

- v. "the engine identifying the further event using identification information within the rule" at Col. 6 line 62 to Col. 7 line 20 ;
- vi. "the engine creating and outputting a new event" at Col. 5 lines 30-43;
- vii. "inputting the new event into the engine" at Col. 5 lines 45-55; and
- viii. "the engine extracting a second rule from a rules database wherein identification information within the second rule identifies the new event" at Col. 4 line 66 to Col. 5 line 43.

**As per claim 2,** Vijayan teaches a method as claimed in claim 1 wherein "the event and the further event originate from any of the set of a network, an application, an operating system, and hardware" at Col. 4 lines 43-49.

**As per claim 3,** Vijayan teaches a method as claimed in claim 2 wherein "the event and the further event and received from one or more intelligent agents" at Col. 4 lines 43-49 and Fig. 4.

**As per claim 4,** Vijayan teaches the method as claimed in claim 3 wherein "the event is in a standard format" at Col. 4 lines 43-49 and Figs. 7-8.

**As per claim 5,** Vijayan teaches the method as claimed in claim 4 wherein "the identification information includes: i. an attribute; ii. an operator; and iii. a value" at Fig. 7.

**As per claim 6**, Vijayan teaches the method as claimed in claim 5 wherein “the specified interval is time” at Col. 5 lines 14-30.

**As per claim 7**, Vijayan teaches a method of managing events in an event engine including the steps of:

- i. “inputting an event into the engine” at Col. 4 lines 45-50;
- ii. “the engine extracting a rule from a rules database wherein identification information within the rule identifies the event” Col. 4 line 66 to Col. 5 line 43;
- iii. “the engine creating and outputting a new event” at Col. 5 lines 30-44;
- iv. “inputting the new event into the engine” at Col. 5 lines 45-55;
- v. “the engine extracting a second rule from the rules database wherein identification information within the second rule identifies the new event” at Col. 4 line 66 to Col. 5 line 43;
- vi. “the engine holding the new event for the expiration of a specified interval” at Col. 7 lines 35-44;
- vii. “before the expiration of the specified interval inputting a further event into the engine” at Col. 7 lines 35-44;
- viii. “the engine identifying the further event using identification information within the second rule” at Col. 4 line 66 to Col. 5 line 43 ; and
- ix. “the engine creating and outputting a further new event” at col. 7 lines 35-55.

**As per claim 8,** Vijayan teaches the method as claimed in claim 7 wherein “the event and the further event originate from any of the set of a network, an application, an operating system, and hardware” at Col. 4 lines 43-49.

**As per claim 9,** Vijayan teaches the method as claimed in claim 8 wherein “the event and the further event and received from one or more intelligent agents” at Col. 4 lines 43-49.

**As per claim 10,** Vijayan teaches the method as claimed in claim 9 wherein “the event is in a standard format” at Col. 4 lines 43-49 and Figs 7-8.

**As per claim 11,** Vijayan teaches the method as claimed in claim 10 wherein “the identification information includes: i. an attribute; ii. an operator; and iii. a value” at Figs. 7-8.

**As per claim 12,** Vijayan teaches the method as claimed in claim 11 wherein “the specified interval is time” at Col. 5 lines 15-30.

**As per claim 13,** Vijayan teaches a method as claimed in claim 12 wherein “the outputted further event is received by a user console” at Col. 7 lines 50-55.

**As per claim 14,** Vijayan teaches a method of managing events in an event engine including the steps of:

- i. “inputting an event into the engine” at Col. 6 lines 47-60;
- ii. “the engine extracting a first rule from a rules database wherein identification information within the first rule identifies the event” at Col. 6 line 50 to Col. 7 line 19;

- iii. "the engine holding the event for the expiration of a specified interval" at Col. 7 lines 20-26 and Fig. 5, element 510;
- iv. "before the expiration of the specified interval inputting a further event into the event engine" at Col. 7 lines 20-26;
- v. "the engine extracting a second rule from the rules database wherein identification information within the second rule identifies the further event" Col. 6 line 50 to Col. 7 line 19;
- vi. "the engine creating and outputting a new event" at Col. 7 lines 20-44;
- vii. "before the expiration of the specified interval inputting the new event into the engine" at Col. 5 lines 44-55;
- viii. "the engine identifying the new event using identification information within the first rule" at Col. 6 line 50 to Col. 7 line 19; and
- ix. "the engine creating and outputting a further new event" at Col. 7 lines 44-55.

**As per claim 15,** Vijayan teaches the method as claimed in claim 14 wherein "the event and the further event originate from any of the set of a network, an application, an operating system, and hardware" at Col. 4 lines 43-49.

**As per claim 16,** Vijayan teaches the method as claimed in claim 15 wherein "the event and the further event and received from one or more intelligent agents" at Col. 4 lines 43-49.

**As per claim 17,** Vijayan teaches the method as claimed in claim 16 wherein "the event is in a standard format" at Figs. 7-8.

**As per claim 18,** Vijayan teaches the method as claimed in claim 17 wherein “the identification information includes: i. an attribute; ii. an operator; and iii. a value” at Figs. 7-8.

**As per claim 19,** Vijayan teaches the method as claimed in claim 18 wherein “the specified interval is time” at Col. 7 lines 20-26.

**As per claim 20,** Vijayan teaches the method a claimed in claim 19 wherein “the outputted further event is received by a user console” at Col. 7 lines 50-55.

**As per claim 21,** Vijayan teaches a method of managing events including the steps of:

- i. “receiving an event” at Col. 4 lines 43-49;
- ii. “extracting a rule from a rules database wherein identification information within the rule identifies the event” at Col. 4 line 66 to Col. 5 line 29;
- iii. “when specified within the rule performing one of: a) creating a new event; or b) holding the event; wherein during the method at least one rule specifies performance of step (a) and at least one rule specifies performance of step (b)” at Col. 5; and
- iv. “repeating steps (i) to (iii) at least once”; wherein at least one received event in step i. is a new event created in step (iii) (a) at Cols. 5-7.

**As per claim 22,** Vijayan teaches a method of generating an event in an event engine based upon two or more received events and an event previously generated by the event engine wherein at least one of the events is held by the event engine until the expiration of a specified interval at Cols. 5-7.

**As per claim 23,** Vijayan teaches a method of managing events including the steps of:

- i. processing an event by: a) receiving the event; b) extracting one or more rules which match the event from a rules database; c) discarding the event if at least one of the rules specifies that the event is to be discarded; d) holding the event if at least one of the rules specifies that the event is to be held for a period of time; e) altering the event or creating a new event if at least one of the rules specifies that the event is to be altered or a new event created; and f) outputting the event if all rules specify that the event is to be outputted; wherein if the event is discarded then neither of steps (d) and (e) will proceed at Cols. 4-7;
- ii. "holding the event for the longest period of time specified by the rules if the event is specified to be held" at Col. 7 lines 20-25; and
- iii. repeating step (i) if the event was held in step (ii) at Cols. 5-7.

**As per claim 24,** Vijayan teaches a system for managing events including:

- i. "a plurality of event agents adapted to receive data from a source, to create an event from the data and to transmit the event to a central event system" at Fig. 4, 402, 404, 406, 420; and
- ii. "a central event system (Fig. 4, 430) including:
  - a) a rules database (Fig. 4, 422) adapted to store a plurality of rules, each rule including:
    - I. identification information specifying to which events the rule relates; and

II. an action wherein the action is one of outputting the event, discarding the event, holding the event, or creating a new event; wherein, where the action is holding the event the rule further includes: I. a condition; and II. a further action wherein the further action is one of outputting the event, discarding the event, holding the event, creating a new event, or creating a new event and transmitting the new event back into the processing engine" at Cols. 5-7; and

b) a processing engine adapted to receive events, to extract rules from the rules database, to identify which rules apply to the events using the identification information within the rule, to perform the action specified within the applicable rules, and to perform the further action specified within the applicable rules when the corresponding condition is satisfied" at Cols. 4-7.

**As per claim 25**, Vijayan teaches a system as claimed in claim 24 "including one or more user consoles adapted to receive one or more of the events outputted by the central event system" at Fig. 4, 418.

**As per claim 26**, Vijayan teaches the system as claimed in claim 25 wherein "the source is any one of the set of a database, an application, an operating system, and hardware" at Col. 4 lines 43-49.

**As per claim 27**, Vijayan teaches a system as claimed in claim 26 wherein "the identification information includes: i. an attribute; ii. an operator; and iii. a value" at Figs. 7-8.

**Claims 28-32** recite computer system, software, storage media for effecting the method and system of claims 21, 24 and therefore rejected by the same reasons discussed above.

***Conclusion***

7. The prior art made of record, listed on form PTO-892, and not relied upon, if any, is considered pertinent to applicant's disclosure.

If a reference indicated as being mailed on PTO-FORM 892 has not been enclosed in this action, please contact Lisa Craney whose telephone number is **(571) 272-3574** for faster service.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh B. Pham whose telephone number is **(571) 272-4116**. The examiner can normally be reached on Monday through Friday 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on **(571) 272-3978**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

January 12, 2006

**KHANH B. PHAM**  
**PRIMARY EXAMINER**

